

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ROSA PONCE MALDONADO, §
Plaintiff, §
v. §
§ CIVIL ACTION NO.
EQUISOLAR, INC. AND § 1:24-cv-00085
GOODLEAP, LLC, § JURY TRIAL DEMANDED
Defendants. §

DEFENDANT EQUISOLAR, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COMES NOW, DEFENDANT, EQUISOLAR, INC., (“**Defendant**” or “**Equisolar**”), in the above-styled matter and files this *Defendant Equisolar, Inc. 's Notice of Removal* (“**Notice of Removal**”), pursuant to Federal Rules of Civil Procedure 28 U.S.C. §§ 1332, 1441, and 1446, and would respectfully show unto this Court as follows:

I. SUMMARY

1. On April 22, 2024, an action was commenced by Plaintiff Rosa Ponce Maldonado, (“**Plaintiff**” or “**Ms. Maldonado**”) in the 445th Judicial District Court, in Cameron County, Texas, entitled *Rosa Ponce Maldonado, Plaintiff v. Equisolar, Inc., and GoodLeap, LLC, Defendants*, by filing Plaintiff’s Original Petition, (“**Petition**”) in Cause Number 2024-DCL-02261 (the “**State Court Action**”). The State Court Action is currently pending in a court located within the jurisdiction of the United States District Court for the Southern District of Texas, Brownsville Division. Venue is proper in this federal judicial district because the Brownsville Division of the

United States District Court for the Southern District of Texas encompasses the county where the State Court Action is pending.

2. Citation and Plaintiff's Original Petition were mailed by U.S. Postal Service, Certified Mail to the registered agent for service of process for Defendant on May 14, 2024. Consequently, this removal is timely filed because it is within thirty (30) days of Equisolar being served "a copy of the initial pleading set forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

3. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and it is one which may be removed to this Court by Defendant pursuant to provisions of 28 U.S.C. § 1441.

II. THIS COURT HAS JURISDICTION PURSUANT TO 28 U.S.C. § 1332

4. Equisolar seeks to remove this action to federal court on the basis of complete diversity of citizenship of the parties, pursuant to 28 U.S.C. § 1332. Equisolar, Inc. is a corporation incorporated and existing under the laws of California with its principal place of business in California. **Exhibit F**, Unsworn Declaration of Isaac Hernandez. Plaintiff Rosa Ponce Maldonado is a Texas resident. **Exhibit A**, Plaintiff's Original Petition at ¶ 2.

5. Defendant Goodleap, LLC has not made an appearance in this action.

6. Given that the proper parties are citizens of different states, complete diversity exists in accordance with 28 U.S.C. § 1332. Therefore, Equisolar is entitled to have this case removed from Cameron County District Court to the United States District Court for the Southern District of Texas, the federal district where the state suit is pending.

7. In her Petition, Plaintiff is seeking damages for, inter alia, violations of the Texas Business and Commerce Code, fraud, fraudulent inducement, breach of contract, and civil conspiracy against Equisolar. The Petition sets forth a demand for damages up to \$250,000, including damages

of any kind, penalties, costs, expenses, and attorney fees. Ex. A, Pl.'s Orig. Pet. at ¶ 6. While Equisolar disagrees with and disputes Plaintiff's allegations, as a result of the foregoing, this action places at issue and in controversy monetary relief and damages that well exceed this Court's jurisdictional minimum of \$75,000, exclusive of interest and costs.

III. ALL THE PROCEDURAL REQUIREMENTS OF REMOVAL HAVE BEEN MET

8. This Notice of Removal of a civil action was filed within thirty (30) days after receipt of the Petition by Defendant.

9. This Court is the federal district and division that encompasses the state court where the action was initially filed.

10. Written notice of the filing of this Notice of Removal has been given to adverse parties and the state court as required by law.

11. Attached hereto as Exhibits A through I are the following, pursuant to 28 U.S.C. § 1446(a) and S.D. Tex. L.R. 81:

Exhibit A: Plaintiff's Original Petition

Exhibit B: Defendant's Original Answer and Jury Demand

Exhibit C: All executed process in the case

Exhibit D: Index of Matters Being Filed

Exhibit E: List of Counsel of record, including addresses, telephone numbers, and parties represented

Exhibit F: Unsworn Declaration of Isaac Hernandez

Exhibit G: Notice of Filing Removal to state court and all counsel

Exhibit H: Docket Sheet

Exhibit I: Rule 7.1 Statement

12. To the extent this Court may require or request certified copies of any of the above, Defendant will supplement with such certified copies as soon as possible.

IV. RESERVATION OF RIGHTS

13. Defendant denies the allegations contained in Plaintiff's Petition and files this Notice of Removal without waiving any defenses, objections, exceptions, or obligations that may exist in its favor in either state or federal court.

14. Defendant also reserves its right to amend or supplement this Notice of Removal.

15. At this time, there are no other pleadings, orders, or filings of any kind to Defendant's knowledge or listed on the docket sheet of the Cameron County District Court other than those included here.

FOR THESE REASONS Defendant provides this Notice of Removal, and requests that this action be removed from the District Court of Cameron County to the United States District Court for the Southern District of Texas, Brownsville Division.

Dated: June 11, 2024.

Respectfully submitted,

By: /s/ Lema Mousilli
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**ATTORNEYS FOR DEFENDANT
EQUISOLAR, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record, pursuant to the District's ECF service rules on **June 11, 2024, via electronic filing system** on the following:

Joseph A. George
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Brownsville, Texas 78520
robinhoodattorney@gmail.com
Attorney for Plaintiff

/s/ *Lema Mousilli*
Lema Mousilli